

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THOMAS RAY CROSSGUNS,

Defendant.

**CR-11-106-GF-BMM**

**ORDER ADOPTING FINDINGS  
AND RECOMMENDATIONS OF  
MAGISTRATE JUDGE**

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston entered Findings and Recommendations in this matter on January 30, 2015. (Doc. 52). Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Thomas Ray Crossguns admitted to having committed the following three violations:

(1) the preamble by using a controlled substance;

(2) the modified condition by failing to comply with the location monitoring requirements;

(3) standard condition 3 by failing to answer the United States Probation Officer truthfully.

Judge Johnston found Crossguns's admissions sufficient to establish a supervised release violation. *Id.* Judge Johnston recommends that this Court revoke Crossguns's supervised release. *Id.* Judge Johnston further recommends that the Court sentence Crossguns to 7 months imprisonment with a term of 23 months supervised release to follow. *Id.*

Crossguns's criminal history is category I, the current offense is a Grade C violation, and the underlying offense is a Class C felony. The statutory range is a maximum of 24 months in custody followed by a term of supervised release up to 30 months, less any custody time imposed. The guideline range is 3 to 9 months in custody.

This Court finds no clear error in Judge Johnston's Findings and Recommendations and adopts them in full. Crossguns admitted that he violated the preamble by using a controlled substance, the modified condition by failing to comply with the location monitoring requirements, and standard condition 3 by failing to answer the United States Probation Officer truthfully. The Court has

already revoked Crossguns's supervised release once. A sentence of 7 months imprisonment followed by 23 months of supervised release is appropriate.

**IT IS HEREBY ORDERED** that the Findings and Recommendations (Doc. 52) are ADOPTED IN FULL and Judgment shall be entered accordingly.

DATED this 20<sup>th</sup> day of February, 2015.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable. It is positioned above a horizontal line.

Brian Morris  
United States District Court Judge